

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VAN HUA, Plaintiff,
v.
BOEING CORPORATION, *et al.*, Defendants.)
No. C08-0010RSL
ORDER DENYING DEFENDANTS' MOTION IN LIMINE REGARDING EVIDENCE OF PLAINTIFF'S APPLICATION FOR PROMOTION

This matter comes before the Court on “Defendants’ Motion in Limine to Exclude Evidence of Plaintiff’s Alleged Application for Promotion in 2006.” Dkt. # 109. Defendants seek an order precluding plaintiff Van Hua from presenting testimony or evidence at trial regarding his alleged application for promotion in 2006.” Motion at 1. Having reviewed the memoranda, declarations, and exhibits submitted by the parties,¹ the Court finds as follows:

Defendants argue that plaintiff's failure to produce a receipt he received when he submitted his application for promotion in 2006 bars him from offering any evidence regarding the application at trial. Defendants cite no rule or case law that requires such a broad exclusionary order. Defendants did not obtain a court order compelling production of the receipt, and plaintiff is not, therefore, in violation of such an order. Although plaintiff's failure

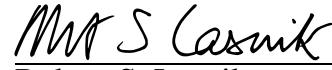
¹ The issues raised can be decided on the papers submitted. Defendants' request for oral argument is therefore DENIED.

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1 to produce the receipt during discovery is not without repercussions (he will not be permitted to
2 use the receipt to support his claims at trial pursuant to Fed. R. Civ. P. 37(c)(1)), he will be
3 permitted to present other admissible evidence regarding the 2006 application.

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5 For all of the foregoing reasons, defendants' motion in limine regarding the 2006
6 application is DENIED.

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8 DATED this 23rd day of November, 2009.

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10 
11 Robert S. Lasnik
United States District Judge